

### REMARKS

Applicants respectfully request that the above-identified patent application be reexamined and reconsidered. Claims 1, 2, 4-10, and 12-20 are pending in this application. In an Office Action dated April 13, 2005, Claims 1, 2, 4-10, and 12-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,501,561, issued to Wulff. The Office Action objected to Claim 7 because "the blade" lacked antecedent basis, and objected to Claim 17 because "soul" needed to be changed to "sole." In addition, the Office Action rejected Claims 5 and 9 under 35 U.S.C. § 112, second paragraph.

Claim 7 has been amended to provide proper antecedent basis for "the blade," and Claims 17 has been amended to change "soul" to "sole." Moreover, Claim 4 has been amended to correct a formality. Claims 5 and 9, as well as Claims 1, 10, 14, 17, 18, and 19 have been amended to more particularly point out and distinctly claim certain embodiments of the present disclosure. For the reasons set forth below, applicants respectfully request reconsideration and allowance of this application.

#### Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 5 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Office Action sets forth the position that Claims 5 and 9 were indefinite because "the boot sole, which has not been properly claimed in combination, is defining the braking device." Claim 5 has been amended to more clearly set forth that "[t]he device of Claim 4, wherein the braking surface is positioned below the plane of the boot sole when the braking member is attached to the boot."

Similarly, Claim 9 has been amended to read: "[t]he device of Claim 1, wherein the acute angle formed between the sole of the boot and the braking surface is between 35 degrees and 55 degrees when the braking member is attached to the boot."

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Based on the foregoing, applicants respectfully submit that Claims 5 and 9, in amended form, are conditioned for allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-10, and 12-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,501,561, issued to Wulff (hereinafter "Wulff"). In response to this rejection, applicants respectfully submit that Claims 1, 10, 14, 17, 18, and 19, as amended, are in condition for allowance because Wulff does not anticipate these claims. To establish a prior art rejection under 35 U.S.C. § 102, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131. (August, 2005). Moreover, "the identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* For the following reasons, applicants respectfully submit that Claims 1, 2, 4-10, and 12-20 are not anticipated because Wulff does not describe "each and every element as set forth in the claim."

Claim 1 was rejected in part because "Figure 9 shows the braking surface of the braking member extending below the plane of the boot sole. The braking member is rotatable and forms an acute angle with the boot of the sole in the range as claimed." Applicants note that the Office Action did not articulate which portion of the device of Wulff is a "braking surface." Nevertheless, it is noted that there is no teaching or suggestion in Wulff of *any* portion of the Wulff device extending generally "below the boot sole," as now set forth in the independent claims.

Wulff teaches a bracket 12 that is moveable *only* between a horizontal and raised position (see Col. 4, lines 16-27). In the preferred embodiment, horizontal groove 46a receives the groove engaging ridge 48 when the bracket is in the horizontal position where the opposed fulcrums 26 of the bracket 12 abut the ground or floor. Inclined groove 46b receives the groove

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engaging ridge 48 when the bracket is in the raised position. Applicants respectfully submit that the bracket 12 is not capable of being positioned *below* the sole of the boot in a lowered position.

In alternate embodiments, the bracket 12 is likewise not capable of being positioned below the plane of the boot sole. Figure 5B shows a bracket 12 including a flexible tab 50 that may be used to lock the bracket 12 into either a horizontal or raised position. Figure 7A illustrates an alternate embodiment where the bracket 12 may be locked into position with the aid of a detent ball 54 in bracket 10 that engages a detent in bracket 12. The bracket 12 may not be positioned lower than a horizontal position; however, because pressure surface 42 rests along lower channel surface 10c in the horizontal position, preventing bracket 12 from being lowered further. This is also true for the embodiment shown in Figure 11.

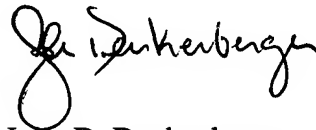
The embodiment in Figure 8 teaches a bracket 12 having grooves 56 to align with flanges 58 on bracket 10 to maintain the bracket 12 in a horizontal position. Figure 9 shows a bracket 12 with a single lever 62 pivotally secured to a U-shaped saddle bracket 64. The pivotal connection between the lever 64 and the U-shaped saddle bracket 64 does not appear to be configured to lower the lever 64 below the plane of the boot sole. In Figure 10, the bracket 12 is mounted to an anchor plate 70, which appears to maintain the bracket 12 in a horizontal position. The embodiment in Figure 12 shows a hook pin 76 similarly mounting the bracket 12 to the boot encircling bracket 10 in a horizontal position.

Claims 1, 10, 14, 17, 18, and 19 have been amended to more clearly illustrate that the braking surface of the braking member is displaceable *below* the plane of the boot sole. Thus, for the foregoing reasons, applicants respectfully submit that Wulff fails to teach or suggest the embodiments set forth in Claims 1, 10, 14, 17, 18, and 19. For at least this reason, the rejections of Claims 1, 10, 14, 17, 18, and 19 under 35 U.S.C. § 102 have been overcome.

Applicants also respectfully submit that the Claims 2 and 4-9 are in condition for allowance because they are dependent from Claim 1. Claims 12 and 13 are in condition for allowance because they are dependent from Claim 10. Claims 15 and 16 are in condition for allowance because they are dependent from Claim 14. Additionally, Claim 20 is in condition for allowance because it is dependent from Claim 19. Thus, for at least these reasons, as well as patentable limitations set forth in each of the dependent claims, the rejections against Claims 2, 4-9, 12, 13, 15, 16, and 20 have been overcome.

For at least the reasons set forth above, applicants respectfully request reconsideration and allowance of this application. The Examiner is invited to telephone the undersigned with issues regarding this matter.

Respectfully submitted,  
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Date: October 13, 2005 Carolyn Igniemi

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